

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHEMEHUEVI INDIAN TRIBE, on its
own behalf and on behalf of its members
parens patriae, et al.,

Plaintiffs,

vs.

JOHN McMAHON, in his official capacity
as Sheriff of San Bernardino County, et al.,

Defendants.

Case No.: ED CV 15-1538-DMG (FFMx)

JUDGMENT [115]

1 Pursuant to the parties' Stipulation for Entry of Judgment, filed with the Court on
2 April 27, 2020,

3 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that judgment is
4 entered in favor of the plaintiffs and against the defendants as follows:

5 1. The County of San Bernardino, its officers, agents, and employees are
6 permanently enjoined from issuing citations to or prosecuting enrolled members of the
7 Chemehuevi Indian Tribe for California Vehicle Code civil regulatory violations,
8 including but not limited to (a) driving on a suspended license (Vehicle Code §
9 14601.1(a)), (b) driving with expired registration (Vehicle Code § 5204(a)), (c) driving
10 without proof of insurance (Vehicle Code §§ 16028(a) and 16028(b)), (d) driving without
11 use of seat belts (Vehicle Code § 27315), and (e) driving without valid license plates
12 (Vehicle § 5200), while they are within the boundaries of the Chemehuevi Indian
13 Reservation, as established by the 1907 Secretarial Order, including, but not limited to
14 E/2 of 5 N., R. 24 E, Section 36, S.B.M.

15 2. Within sixty (60) days from the date of entry of this judgment, the parties shall
16 begin negotiations and negotiate in good faith to conclude an intergovernmental
17 agreement or memorandum of understanding ("Agreement") addressing law enforcement
18 activity by County officers, agents and employees within the exterior boundaries of the
19 Reservation, including but not limited to: (1) identifying which California Vehicle Code
20 Sections are civil regulatory an unenforceable against enrolled members of the Tribe on
21 the Reservation under the terms of this Judgment; (2) how County law enforcement
22 officers will determine whether a person is an enrolled member of the Tribe, and (3) how
23 the County will determine whether a citation can be issued to a driver or owner of a
24 vehicle on the Reservation under the terms of this Judgment. If after negotiating for a
25 reasonable period of time, not to exceed ninety (90) days, the parties reach impasse on an
26 issue(s) and are not able to conclude an agreement pursuant to this paragraph, then either
27 party may make application to the Court to reopen this action and to hold a mandatory
28 settlement conference to assist the parties in concluding an agreement, and the Court shall

1 schedule a mandatory settlement conference and order the parties to participate in the
2 conference. If after participating in the mandatory settlement conference, the parties are
3 unable to conclude an agreement under this paragraph, then either party may make
4 application to the Court to resolve the issue(s) by filing a motion with the Court pursuant
5 to Rule 56 of the Federal Rules of Civil Procedure and the Court's decision on the motion
6 shall be final and non-appealable. The Court's decision shall then be incorporated by the
7 parties into the Agreement.

8 3. Once the Agreement is concluded and executed by the parties, it shall not be
9 a violation of this Judgment or the Agreement for the County, its officers, agents, and
10 employees to stop vehicles, issue citations, and prosecute citations in state court or in
11 administrative hearings before the Department of Motor Vehicles pursuant the terms of
12 the Agreement.

13 4. Chelsea Lynn Bunim ("Bunim"), Tommie Robert Ochoa ("Ochoa"), Naomi
14 Lopez ("Lopez"), and Jasmine Sansoucic ("Sansoucic") are each awarded (\$10,000), as
15 full and complete compensation for any and all damage claims that they may have against
16 the Defendants arising from the facts alleged in the Amended Complaint filed by the
17 plaintiffs in this case. Upon execution and delivery of a satisfaction of judgment by each
18 of the individual plaintiffs in a form attached to the parties' Stipulation for Entry of
19 Judgment as **Exhibit B**, the County shall pay Bunim, Ochoa, Lopez, and Sansoucic Ten
20 Thousand Dollars (\$10,000) each.


21 5. The Court shall retain jurisdiction of this action for the sole purpose of
22 enforcing the provisions of this Judgment and the Agreement entered into pursuant to this
23 Judgement against the County and its' officers, agents and employees who may in the
24 future issue traffic citations to enrolled members of the Tribe or prosecute those citations
25 in state court or in administrative proceedings before the California Department of Motor
26 Vehicles in violation of this Judgement or the Agreement.

27 6. Bunim, Ochoa, Lopez, and Sansoucic are awarded their reasonable attorney
28 fees and costs, pursuant to 42 U.S.C. § 1988, the exact amount of which shall be

1 determined by a subsequent stipulation of the parties filed with the Court or, if the parties
2 cannot agree on the amount of fees and costs the plaintiffs are entitled to, the Court shall
3 determine the amount of plaintiffs' attorney's fees and costs upon the plaintiffs filing an
4 appropriate motion for attorney's fees with the Court.

5 7. All scheduled dates and deadlines are VACATED.

6
7 DATED: April 28, 2020


8 DOLLY M. GEE
9 UNITED STATES DISTRICT JUDGE